HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION No. 11353 OF 2006

Between:

A.P. Pollution Control Board,
Paryavaran Bhavan,
A-3, Industrial Estate,
Sanath Nagar, Hyderabad,
Rep. by its Member Secretary

……Petitioner

And

K.C & Co., Plot No.149,
Old Kurnool Road,
Kattedan, Hyderabad,
Rep. by Partner Ajay Kumar Goyal
and three others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Sri S.V. Bhatt

Counsel for Respondent No.1 : Sri K. Venu Madhav

Counsel for Respondent No.2 : Sri K. Mohan Reddy representing Sri M. Sreeramulu Reddy

Counsel for Respondent No.3 : None

Counsel for Respondent No.4 : Government Pleader for Forests

Dated: 30-06-2006

Per G.S. SINGHVI, CJ

This petition is directed against order dated 16-05-2006 passed by the Appellate Authority constituted under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 insofar as it permits respondent No.1 to continue to operate for a period of three months.

At the hearing, learned counsel for respondent No.1 made a statement that his client has closed the industry.

Sri S.V. Bhatt, counsel appearing for the petitioner does not dispute this statement.

In view of the above, the writ petition is disposed of as infructuous. However, it is made clear that if respondent No.1 restarts the industry, the Board shall be obliged to file petition for initiation of proceedings under the Contempt of Courts Act, 1971 and also for launching prosecution of the management of respondent No.1.

As a sequel to disposal of the writ petition, WPMP No.14115 of 2006 filed by the petitioner for staying the operation of the order under challenge is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V. SEETHAPATHY, J

30-06-2006
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